

James A. Krutcik, Esq. (SBN 140550)  
 A. Nicholas Georggin, Esq. (SBN 170925)  
 Michelle E. Ott, Esq. (SBN 241251)  
**KRUTCIK & GEORGIN**  
 26021 Acero  
 Mission Viejo, CA 92691  
 (949) 367-8590; (949) 367-8597 FAX

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ERIC DENMEAD and GABRIEL  
 JIMENEZ, individually; and on behalf of  
 all those similarly situated,

Plaintiffs,

vs.

LOWE'S COMPANIES, INC., a North  
 Carolina corporation; LOWE'S HIW,  
 INC., a Washington corporation; and  
 DOES 1 through 20, inclusive,

Defendants.

CASE NO. C 07-01820 SI  
 Judge: Susan Illston  
 Complaint Filed: March 30, 2007

**STIPULATION AND [PROPOSED] ORDER TO  
 CONTINUE MOTION TO DISMISS AND  
 PENDING FRCP RULE 26 DEADLINES;  
 DECLARATION OF A. NICHOLAS GEORGIN**

[Local Rule 6-2]

**WHEREAS** on March 30, 2007, Eric Denmead and Gabriel Jimenez, individually and on behalf  
 of all those similarly situated ("PLAINTIFFS") filed an action against Lowe's HIW, Inc. (collectively  
 "LOWE'S") in the United States District Court for the Northern District of California alleging various  
 violations of California wage and hour law by LOWE'S;

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1       **WHEREAS** on May 31, 2007, LOWE'S filed a Motion to Dismiss Action, or in the Alternative,  
2 To Stay All Proceedings; Notice of Related Cases and Notice of Pendency of Other Action for hearing  
3 on July 6, 2007;

4       **WHEREAS** on June 8, 2007, LOWE'S notified PLAINTIFFS of the successful mediation and  
5 settlement of a substantially similar and previously filed putative class action lawsuit already pending in  
6 the Los Angeles Superior Court entitled *Craig Hall, et al. v. Lowe's HIW, Inc.*, Case No.: BC325832, one  
7 of the pending cases on which LOWE'S bases it's Motion to Dismiss or Stay Action;

8       **WHEREAS** in light of the *Hall* settlement, PLAINTIFFS and LOWE'S have engaged in fruitful  
9 settlement discussions in connection with the *Craig Hall, et al. v. Lowe's HIW, Inc.* settlement and a  
10 continuance of currently pending deadlines would serve the efficient administration of justice by allowing  
11 the parties to fully explore resolving the claims herein;

12  
13 **IT IS THEREFORE AGREED AND STIPULATED**, by and between PLAINTIFFS and LOWE's,  
14 through their respective counsel of record that:

15       1. The Case Management Conference and hearing date for LOWE'S Motion to Dismiss Action,  
16 or in the Alternative, To Stay All Proceedings be continued sixty (60) days to September 6, 2007, or an  
17 alternate date convenient for the Court.

18       2. PLAINTIFFS' Opposition to Defendant's Motion to Dismiss Action, or in the Alternative, To  
19 Stay All Proceedings be continued sixty (60) days to August 16, 2007, or an alternate date convenient for  
20 the Court.

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1 3. The deadline for PLAINTIFFS' and LOWE'S Federal Rules of Civil Procedure Rule 26 Initial  
2 Disclosure deadline be continued sixty days (60) to September 29, 2007, or an alternate date convenient  
3 for the Court.

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5 **IT IS SO STIPULATED.**

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7 DATED: June 15, 2007

**KRUTCIK & GEORGIN**

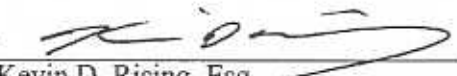
8  
9 By

  
A. Nicholas Georggin, Esq.  
Attorneys for PLAINTIFFS

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12  
13 DATED: June 15, 2007

**AKINGUMP STRAUSS HAUER & FELD LLP**

14  
15 By

  
Kevin D. Rising, Esq.  
Attorneys for DEFENDANT,  
LOWE'S HIW, INC.



**DECLARATION OF A. NICHOLAS GEORGGIN IN SUPPORT OF STIPULATION TO  
CONTINUE MOTION TO DISMISS AND PENDING FRCP RULE 26 DEADLINES**

I, A. Nicholas Georggin, hereby declare as follows:

1. I am an attorney at law duly licensed to practice before all of the courts of the State of California and the United States District Court for the Northern, Central and Southern Districts of California. I am a partner in the law firm of Krutcik & Georggin, attorneys for Plaintiffs, Eric Denmead and Gabriel Jimenez. I have personal knowledge of the facts stated herein, and if called as a witness, I could and would competently testify thereto.

2. On March 30, 2007, Plaintiffs, Eric Denmead and Gabriel Jimenez, individually and on behalf of all those similarly situated, filed an action against Lowe's HIW, Inc., et al. ("Lowe's") in the United States District Court for the Northern District of California alleging various violations of California wage and hour law.

3. On April 18, 2007, Plaintiffs provided Lowe's with an extension of time to file a responsive pleading up to and including May 31, 2007.

4. On May 31, 2007, Lowe's filed a Motion to Dismiss Action, or in the Alternative, To Stay All Proceedings; Notice of Related Cases and Notice of Pendency of Other Action. The hearing on Lowe's Motion to Dismiss is set for July 6, 2007.

5. On June 8, 2007, I received a telephone call from Kevin Rising, Esq., counsel for Lowe's who informed me that a successful mediation took place and a settlement was reached in the action of *Craig Hall, et al. v. Lowe's HIW, Inc.*, Case No.: BC325832, one of the pending cases on which Lowe's bases it's Motion to Dismiss or Stay Action.

6. Since Lowe's notified Plaintiffs of the *Craig Hall, et al. v. Lowe's HIW, Inc.* settlement, Plaintiffs and Lowe's have engaged in settlement discussions in connection with the *Craig Hall, et al. v. Lowe's HIW, Inc.* settlement.

7. The continuance of the Case Management Conference date, the hearing date for Lowe's Motion to Dismiss or Stay the Action and the deadline for Initial Disclosures pursuant to Federal Rules of Civil Procedure, rule 26 for 60 days will allow the parties to continue settlement discussions while promoting judicial economy and efficient use of financial resources by all parties.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
2 and correct.

3 Executed this 15th day of June, 2007 at Mission Viejo, California.

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6 A. NICHOLAS GEORGGIN, ESQ.

1       **FOR GOOD CAUSE APPEARING** and pursuant to the stipulation of the parties in the action  
2 entitled *Denmead v. Lowe's Companies, Inc. et al.*, Case No. C 07-01820 SI:

3       1. The Case Management Conference and hearing date for LOWE'S Motion to Dismiss Action,  
4 or in the Alternative, To Stay All Proceedings is continued sixty (60) days to September <sup>7</sup>~~6~~, 2007.

5       2. PLAINTIFFS' Opposition to Defendant's Motion to Dismiss Action, or in the Alternative, To  
6 Stay All Proceedings is continued sixty (60) days to August 16, 2007.

7       3. The deadline for PLAINTIFFS' and LOWE'S Federal Rules of Civil Procedure Rule 26 Initial  
8 Disclosure deadline is continued sixty days (60) to September 29, 2007.

9 **IT IS SO ORDERED**

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11 Dated: \_\_\_\_\_

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13 Hon. Susan Illston  
14 United States District Judge  
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**PROOF OF SERVICE BY MAIL (1013a, 2015.5 C.C.P.)**

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 26021 Acero, Mission Viejo, California 92691.

On June 15, 2007, I served the foregoing document described as **STIPULATION AND [PROPOSED] ORDER TO CONTINUE MOTION TO DISMISS AND PENDING FRCP RULE 26 DEADLINES; DECLARATION OF A. NICHOLAS GEORGGIN** on the interested parties in this action, by placing a true copy thereof enclosed in a sealed envelope addressed as follows:


Phillip J. Eskenazi, Esq.  
Kevin D. Rising, Esq.  
Jeremy F. Bollinger, Esq.  
**AKIN GUMP STRAUSS HAUER & FELD LLP**  
2029 Century Park East, Suite 2400  
Los Angeles, CA 90067-3012  
(310) 229-1000  
(310) 229-1001 - FAX

Attorneys for Defendants, LOWE'S COMPANIES, INC. and LOWE'S HIW, INC.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Mission Viejo, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 15, 2007, at Mission Viejo, California.

  
\_\_\_\_\_  
Kelly Dufourd